

# David W. Leopold

Partner | Chair, Immigration Law Group



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## Practices/Industries

- Immigration Law
- Visa and Citizenship Law
- Removal Defense
- Employer Sanctions Defense
- Global Migration Representation

## Education

University of Michigan  
(B.A., 1980)  
Case Western Reserve  
University School of Law  
(J.D., 1985)

## Overview

David Leopold's diverse immigration, visa, and citizenship practice focuses on employment- and family-based immigration, the representation of employers in Form I-9 compliance matters, complex removal cases including administrative trials and appeals, and federal court litigation. Mr. Leopold is the past President and past General Counsel of the Washington, D.C.-based American Immigration Lawyers Association (AILA), the premier bar association of immigration lawyers and professors in the U.S. A nationally recognized immigration reform advocate, writer, and public speaker, Mr. Leopold has testified as an immigration law expert before the U.S. Congress and frequently writes for MSNBC.com, CNN.com, TPM.com, *USAToday*, *The Hill*, and *Huffington Post*. His analyses of cutting-edge immigration issues frequently appears in major media outlets including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *Politico*, *Mother Jones*, and CNN.

## Experience

David has extensive experience in all areas of immigration, visa, citizenship, consular practice, and deportation defense including:

- Employment-based nonimmigrant and immigrant visas for highly skilled foreign professionals, including corporate managers and executives, engineers, computer professionals, artists and entertainers, physicians, scientists, and other professionals.
- Alien employment certification (PERM) for companies seeking to permanently retain foreign professionals and skilled workers.
- Waivers of the J-1 two-year foreign residence requirement for foreign medical graduates including Conrad 30 and interested federal government agency waivers.
- Consular representation at U.S. Embassies and Consulates worldwide, including applications for immigrant and nonimmigrant visa waivers.
- Complex naturalization matters, including initial N-400 applications, N-336 appeals, and federal court litigation.
- Advising companies on employment verification compliance in anticipation of mergers and acquisitions.
- Counseling and representing companies regarding compliance with employment authorization verification requirements, including internal Form I-9 audits and employer sanctions defense.
- Complex deportation matters, including administrative trials and appeals and federal immigration litigation.
- Representation of clients charged with immigration related crimes, including visa fraud, illegal procurement of citizenship, and illegal reentry.

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## Experience (Cont)

A national authority on immigration law, David's analyses and opinions frequently appear in major media outlets, including:

- Contributing frequent opinion pieces to major media outlets including, *The Boston Globe*, MSNBC.com, TPM.com, *The Cincinnati Enquirer*, *The Cleveland Plain Dealer*, Bloomberg Law, CNN.com, *The Boston Globe*, MediaMatters.com, Medium.com, HuffingtonPost.com, FOXNews.com, and FOXNewsLatino.com.
- Appearing as an on-air legal analyst for major national and international networks including MSNBC, CNN, FOX News, NPR, BBC, and CGTN TV.
- Serving as a "go-to" analyst of cutting-edge immigration issues for national and international print and online outlets including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *USA Today*, *Newsweek*, *The Miami Herald*, *The Houston Chronicle*, *Associated Press*, *Reuters*, *Politico*, *Huffington Post*, *McClatchy News*, *Mother Jones*, and *The Guardian*.

## Reported Cases

- *Mendieta-Robles v. Gonzales*, 2007 FED App. 0387N (6th Cir.2007)
- *Tilley v. Gonzales*, 2007 FED App. 0295N (6th Cir.2007)
- *Pak v. Reno*, 196 F.3d 666 (6th Cir. 1999)
- *Pulice v. INS*, 218 F.3d 505 (6th Cir. 2000)
- *Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003)
- *Rosales-Garcia v. Holland*, 322 F.3d 386 (6th Cir. 2003)(en banc)
- *Roman v. Ashcroft*, 181 F. Supp. 2d 808 (N.D. Ohio 2002)
- *Denko v. Ashcroft*, 351 F.3d 717 (6th Cir. 2003)
- *Cline v. Catholic Diocese*, 206 F.3d 651 (6th Cir. 1999)
- *Independence Local School District Board of Education v. State Employment Relations Board et al.* 62 Ohio St. 3d 134 (1991)
- *Board of Education of the Strongsville City School District v. Theado*, 57 Ohio St. 3d (1991)
- *Mackey v. Steve Barry Ford, Inc.*, 1991 Ohio App. LEXIS 2574 (May 30, 1991)
- *Theodore T. Theodore v. Geo Churchill, Inc.*, 1990 Ohio App. LEXIS 5961; *Noll v. Nezbeth*, 63 Ohio App. 3d 46 (1990)
- *D'Ambrosi v. Vicorp Specialty Restaurant, Inc.*, 1989 Ohio App. LEXIS 628
- *Lazar v. Korman*, 1987 Ohio App. LEXIS 9215
- *Dalzell-Milstein v. Midwestern Indem. Co.*, 1986 Ohio App. LEXIS 8631
- *Republic Steel Corp. v. Hailey*, 30 Ohio App. 3d 103 (1986)

## Presentations

- "Wrench in the Plan: How to Navigate the New Age of Enforcement when ICE Comes Knocking," Ulmer Immigration Dialogue Series (June 2018)
- "Toolkit Inventory: Employee Travel in the Age of 'Extreme Vetting,'" Ulmer Immigration Dialogue Series (May 2018)

## Presentations (Cont)

- “A Brave New World: Immigration in the Age of Donald Trump,” Rotary Club of Toledo (May 2018)
- “Nuts & Bolts: How to Hire & Retain Foreign Professionals,” Ulmer Immigration Dialogue Series (April 2018)
- “A Brave New World: Critical Issues Corporate Counsel Must Consider Before Foreign Personnel Travel Abroad,” Northeast Ohio Association of Corporate Counsel CLE Seminar (August 2017)
- “Treatment of Certain Crimes at U.S. Consular Posts,” AILA Rome District Conference, Amsterdam, Netherlands (October 2016)
- “What Happens Next in Immigration Law?” Federal Bar Association, Seventh Circuit Symposium, Chicago, Illinois (October 2016)
- “Overview and Hot Topics in Petition for Review Litigation,” Ohio Chapter Conference, Columbus, Ohio (October 2016)
- “E Pluribus Unum—The Immigration Conundrum,” Seventh Circuit Bar Foundation, Chicago, Illinois (March 2016)
- “Ohio Immigration Defense in Illegal Reentry and Other Federal Criminal Cases,” AILA Annual Conference on Immigration Law, San Francisco, California (June 2013)
- “Motions to Suppress, Post-Judalag Developments, Burdens of Proof (I-213s, Convictions, and Marriage Fraud),” Midwest Regional Conference on Immigration Law, Chicago, Illinois (March 2013)
- “Next Generation Issues in Prosecutorial Discretion and Administrative Remedies for Business Clients,” AILA Midyear Conference on Business Immigration Law, Panama City, Panama (January 2013)
- “Walking the Tightrope: Ethical Issues for your Evolving Practice,” AILA New York Chapter Conference, New York, New York (December 2012)
- “National Updates and Immigration Reform Efforts,” AILA Ohio Chapter Conference, AILA Ohio Chapter Conference, Columbus, Ohio (November 2012)
- “Hot Topics in Waivers of Inadmissibility,” AILA Fall Conference, Montreal, Quebec (September 2012)
- “DREAM Team Forum: United We Dream,” Staff Leadership Training on DACA, Lexington, Kentucky (August 2012)
- “Immigration Issues for Foreign Medical Graduates,” National Association of Foreign Student Advisors (NAFSA) Conference, Houston, Texas (May 2012)
- “Hot Topics in Consular Processing and Overseas USCIS,” AILA Rome Chapter, Bucharest, Romania (April 2012)
- “The Postville Iowa Prosecutions,” Chicago Federal Bar Association Workplace Enforcement Conference, Chicago, Illinois (November 2008)
- “Triggers of Inadmissibility and Strategies for Challenging Findings,” AILA Fall Conference, Savannah, Georgia (September 2008)
- “Strategies for the Future: An Interactive Discussion, The Post-Postville Conference, Immigration Rights, Offenses, and Consequences,” National Association of Criminal Defense Lawyers, American Immigration Lawyers Association, and Kansas City Federal Defenders Conference, Kansas City, Missouri (September 2008)
- “Immigration Consequences of Criminal Convictions,” Legal Aid Society of Cleveland and Advocates for Basic Legal Equality, Toledo, Ohio (September 2008)

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## Presentations (Cont)

- “Litigation Workshop: Warming Up with the Basics,” AILA Annual Conference, Vancouver, British Columbia, Canada (June 2008)
- “Inadmissibility and Waivers,” American Law Institute/American Bar Association Conference on Immigration Law, Washington, D.C. (May 2008)
- “Corporate Criminal Liability,” New York State Bar Association Symposium on Worksite Enforcement, New York, New York (February 2008)
- “Applying for Relief Before the Court, USCIS, or the Consulate,” 29th Annual Immigration Law Update, Florida State Bar Association, Miami, Florida (February 2008)
- “What Every Business Lawyer Needs to Know About Inadmissibility and Deportability,” Cuyahoga County Bar Association Immigration Seminar, Cleveland, Ohio (December 2007)
- “Criminal Representation in ICE Enforcement Actions,” AILA Worksite Enforcement Conference, Phoenix, Arizona (December 2007)
- “The Pursuit of Justice: Immigration Challenges,” Eighth District Judicial Conference, Cleveland, Ohio (October 2007)

## Publications

- “USCIS Expands ‘Unlawful Presence’ for F, J, or M Foreign Students and Exchange Visitors,” Ulmer & Berne LLP *Client Alert* (May 2018)
- “Plan to Eliminate H-4 Employment Authorization Delayed – At Least Until June 2018,” Ulmer & Berne LLP *Client Alert* (March 2018)
- “The Short H-1B Filing Window is Fast Approaching,” Ulmer & Berne LLP *Client Alert* (February 2018)
- “Syrian Temporary Protected Status Re-Registration Period Now Open for Syrians Through May 4, 2018,” Ulmer & Berne LLP *Client Alert* (February 2018)
- “U.S. Extends Temporary Protected Status for 7,000 Syrians Living In the U.S.,” Ulmer & Berne LLP *Client Alert* (February 2018) “USCIS Resumes Accepting DACA renewals,” Ulmer & Berne LLP *Client Alert* (January 2018)
- “A Vote to Pass Year-end Budget is a Vote to Deport Dreamers,” *The Hill* (Op-ed, November 2017)
- “Regression of Employment Based Visas: The New Reality in Business Immigration,” AILA (co-author, 2006)
- “Getting Out: Strategies for Challenging Unlawful Detention in Federal Court,” AILA (co-author, 2006)
- “Visa Processing Guide,” AILA (contributing author, 2002-2005)
- “The Nuts and Bolts of Federal Court Litigation,” *AILA Immigration and Nationality Handbook* (co-author, 2004-2005)
- “Advanced Issues in Adjustment of Status and Consular Processing,” *AILA Immigration and Nationality Handbook* (co-author, 2002-2003)
- “Immigration Law and the Public Schools: Who is Entitled to a Free Public Education?” *Ohio School Law Journal* (January/February 2000)
- “The Detention of Noncitizens: An Overview of the Law, Its Implication, and Legal Strategies,” *AILA Immigration and Nationality Handbook 34-67* (co-author, 1999-2000)
- *Immigration and Nationality Law Handbook*, AILA (Senior Editor, 2005-2007)
- *Litigation Toolbox*, AILA (Contributor, 2002)

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## Involvement

### Professional Affiliations

- American Immigration Lawyers Association (AILA) (President, 2010-2011; General Counsel, 2012-2013; Vice President, 2007-2009; National Treasurer, 2006-2007; National Secretary, 2005-2006)
- AILA Administrative Litigation Task Force (Member)
- American Immigration Council (Board of Directors, 2009-2011; Faculty and Co-Founder—AIC Litigation Institute)
- Adjunct Professor of Immigration Law, Cleveland State University (2004-2012)
- Director of Immigration Law Curriculum and Adjunct Professor of Law, Case Western Reserve University School of Law (1997-2011)
- Federal Criminal Justice Act Panel, U.S. District Court, Northern District of Ohio (1999-2013)
- National Association of Criminal Defense Lawyers (1999-2005)
- Cleveland Metropolitan Bar Association

### Community Involvement

- America's Voice, DHS Watch Project (Counsel, 2018-present)
- Latino-Jewish Leadership Counsel, American Jewish Committee (Founding Member, 2017-present)
- American Jewish Committee (Board of Trustees, 2009-present; National Immigration Task Force, 2010-present)
- Global Cleveland (Advisory Board, 2010-2014)
- Ohio Democratic Party (Volunteer Voter Protection Attorney and Precinct Supervisor, 2004, 2008, 2012, 2016)
- Ishmael & Isaac (Board Member, 2006-2009)
- City Cable Commission, Beachwood, Ohio (Associate Commissioner, 1999-2004)
- Legal Aid Society of Cleveland (Trustee, 1988-1991)

## Honors & Distinctions

- Edith Lowenstein Memorial Award for excellence in advancing the practice of immigration law, American Immigration Lawyers Association (2012)
- AILA Liaison to the Department of Homeland Security's key immigration enforcement bureau
- Chaired the Hillary for America Immigration Working Group's Interior Enforcement subgroup, overseeing the development and drafting of a comprehensive policy memorandum on interior enforcement
- Named one of the top immigration experts to follow on Twitter by ABC News/Univision
- Named to the *National Law Journal's* Immigration Trailblazers (2018)
- AV Preeminent Peer Review Rated – Martindale-Hubbell
- Named to *The Best Lawyers in America*, Immigration Law (2005-2019)
- Listed in International Who's Who of Corporate Immigration Lawyers
- Named to the Ohio Super Lawyers list (2004, 2005, 2007-2019)

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## Admissions

- State of Ohio
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. Supreme Court